

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

vs.

Case No.: 3:00-87-04 (PG)

CARLOS ORTIZ-SANTIAGO

\* \* \* \* \*

**MOTION NOTIFYING VIOLATIONS OF THE SUPERVISED RELEASE CONDITION  
AND REQUEST FOR ARREST WARRANT**

TO THE HONORABLE JUAN M. PEREZ-GIMENEZ  
UNITED STATES DISTRICT COURT JUDGE  
DISTRICT OF PUERTO RICO

COMES NOW, HUMBERTO MARCHAND, United States Probation Officer of this Court, presenting an official report on the conduct and attitude of the offender, Carlos Ortiz-Santiago, who on January 8, 2001, was sentenced to serve a sixty-month imprisonment term, to be followed by a five-year (5) supervised release term, after he plead guilty of violating 18 U.S.C. Section 2113 A.F. & 2; to wit: aiding and abetting to commit bank robbery by force or violence. As special condition of his supervision he was ordered to participate in a substance abuse treatment program, if any drug test samples detect substance abuse, to submit to psychiatric and/or psychological evaluation, to provide financial information, to produce evidence to the office that income tax returns have been duly filed, and to make a restitution in the amount of \$2,400. On August 27, 2004, he commenced his term of supervised release.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR  
CAUSE AS FOLLOWS:

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1. **STANDARD CONDITION NO. 2 - “The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five (5) days of each month.”**

The offender has failed to submit his monthly supervision report since June 2005, and has failed to report to the U.S. Probation Officer as instructed.

2. **STANDARD CONDITION NO. 4 - “The defendant shall support his/her dependents and meet other family responsibilities.”**

As verified, the offender has outstanding child support balances of \$8,600, and \$13,657.76, which are currently in arrears. Arrest warrants (FAL94-0784 and FAL96-0126) were issued by the local courts.

3. **STANDARD CONDITION NO. 6 - “The defendant shall notify the probation officer at least ten (10) days prior to any change in residence or employment.”**

As verified, the offender moved to a new address and failed to notify the U.S. Probation Officer as required.

4. **STANDARD CONDITION NO. 7 - “The defendant shall refrain from excessive use of alcohol and any unlawful use of a controlled substance.”**

On April 6, 2005, the offender tested positive to cocaine and admitted the same. He was placed in the random drug testing program. On April 26 and September 6, 2005, he again tested positive to cocaine and admitted the same. He was referred to treatment.

5. **STATUTORY CONDITION - “The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.”**

After being placed in the random drug testing program, the offender has failed to appear for drug testing on several occasions.

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6. **"Special Condition - If any drug test detect substance abuse, the defendant shall participate in a substance abuse program arranged and approved by the probation officer until duly discharged by authorized program personnel with the approval of the U.S. Probation Officer."**

The offender has failed to comply with his participation in a substance abuse program as instructed by the U.S. Probation Officer.

7. **"Special Condition - The defendant shall make a restitution of \$2,400.00"**

The offender has failed to make any payments towards his restitution as instructed by the U.S. Probation Officer.

**WHEREFORE**, I declare under penalty of perjury that the foregoing is true and correct, in lieu of the aforementioned, and that offender is apparently absconding from supervision, it is requested that a warrant for his arrest be immediately issued and that he be brought before this Honorable Court to show cause why his supervised release term should not be revoked. Thereupon, that he is to be dealt with pursuant to law.

In San Juan, Puerto Rico, this 27th day of January 2006.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF  
U.S. PROBATION OFFICER

s/Humberto Marchand  
U.S. Probation Officer  
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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this date, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: U.S. Attorney's Office and defense counsel Miguel Montes, Esq.

At San Juan, Puerto Rico, this 27th day of January 2006.

s/Humberto Marchand  
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HM/mgm